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A LETTER

TO

Mr. FOX.





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Mr. FOX,

ON

THE DURATION

OF THE

TRIAL OF Mr. HASTINGS.

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"The fact is this; the crimes have been found *so numerous*, that they had not, *as usual*, divided them into separate articles but into classes. Under each of the classes, (in form called articles) were included a number of charges, *sufficient to have constituted a separate impeachment*; and he might affirm, that in the whole body of charges, was included *as much criminal matter*, as had occurred, perhaps, in all the impeachments which were to be met with in English History."

*Extract from Mr. Burke's Speech, 14 Feb. 1791*

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LONDON:

PRINTED FOR J. OWEN, NO. 168, PICCADILLY.

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1794

A LETTER

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MR. FOX,

ON

THE DURATION

OF THE

TRIAL OF MR. HASTINGS.



"The fact is this; the charges have been so numerous, that they had  
"not, as yet, divided them into separate articles but into classes. There  
"each of the classes (or forms called articles) were included a number of  
"charges, which are here registered as separate independent; and he might  
"affirm, that in the whole body of charges, was included as many criminal  
"matters, as had occurred, perhaps, in all the important cases ever to be  
"seen in the English History."  
Extract from the Duke's Speech, Feb. 1791

LONDON:

PRINTED FOR J. OWEN, NO. 108, PICCADILLY.

1794

## PREFACE.

**T**HE following Letter was written in consequence of a motion made in the House of Commons by Mr. Burke, and seconded by Mr. Fox, for a committee to be appointed, (*consisting of the managers*) in order to inquire into the cause of the duration of the trial of Mr. Hastings. As the report was not delivered until Thursday the 17th of April, the Publication of the Letter was delayed, and the delay has given the writer an opportunity to add, in a postscript, an abstract of the testimony of Lord Cornwallis.

By all parties, and by all descriptions of men, the length of the trial is reprobated; the writer conceives it would be highly indecent in him, to go into points, on which the Managers, the Lords, and the defendant Mr. Hastings are at issue; but there can be no impropriety in fairly stating



stating his opinion, as to *the fundamental cause of the delay in the trial*, which if it be well founded neither originated with this House of Commons, nor with the Lords, nor with Mr. Hastings.

Mr. Burke on the 14th of Feb. 1791, made the following pertinent observation in a speech relative to the impeachment.

“ There was another fallacy made by those, who, to screen the criminal, were always calling villing at the conduct of those entrusted by the House with this prosecution.—That in three years they had not gone through above four articles. The fact is this; the crimes had been found *so numerous*, that they had not *as usual*, divided them into separate articles, but into classes. Under each of the classes (*in form called articles*) were included a number of charges, sufficient to have constituted a separate

“ a separate impeachment ; and he might affirm,  
 “ that in the whole body of charges, was in-  
 “ cluded *as much criminal matter* as had occurred  
 “ perhaps, *in all the impeachments which were to*  
 “ *be met with in English History.*”

Mr. Burke, in this passage, states a fact of the utmost importance, and he states it *most truly*. Need we seek *deeper* for the great cause of delay in the trial of Mr. Hastings? The criminal allegations on the twenty articles, are said to amount to *two thousand*.

And indeed the report itself admits, that *one cause* of the duration of the trial is, *the nature of the charge preferred*. How a charge including in it acts stated to have been done *twenty two years ago*, including in it acts which his Majesty's Ministers *most warmly approved*, and by which *millions* have been brought into the public Exchequer, came to be preferred, against a man  
 who

who has performed essential, and important services to his country, is the question, that I have attempted to discuss with impartiality in the following Letter. I have endeavoured in the discussion of it, to speak of the last House of Commons with the respect which is due to it, from every loyal subject. As to the *present House*, it has never pronounced an opinion even *pro forma*, on the merits of the impeachment. The first question it determined was, that the impeachment was *depending*, that is, that it was not *abated by the dissolution of the last Parliament*. The second and the only remaining vote was, that the Managers should be *restricted* from going further on with the articles, save as far as they had a reference to contracts. I am therefore warranted in affirming, that *as a House*, the present Parliament does not know *any thing* of the articles voted *by the last*.

April 24

1794.



# LETTER

Mr. FOX.

S I R,

**M**EN of all parties and descriptions agree, that the duration of the trial of Mr. Hastings, is a grievance of a most alarming nature, which may tend to make even the word impeachment, unpleasing to British ears for ages to come.

You were pleased, in the last week, to support a motion for an address to his Majesty, in favour of two gentlemen, who are sentenced to be transported for fourteen years to Botany Bay.

Your ground of complaint, in the case of Mr. Muir, and Mr. Palmer, was, that *after conviction*

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tion, the sentence pronounced by the Court, beyond all bounds, exceeded the offence. In other words, what the law of England would have punished, at the utmost, with fine and imprisonment, the law of Scotland punished, by what is tantamount to transportation for life.

The real ground of complaint, in the case in which you bear so distinguished a part, is, that the punishment, while by law, Mr. Hastings is deemed innocent, has far exceeded any punishment that the Court could have inflicted, had he pleaded guilty to all the charges, when he was arraigned in the month of May, 1787.

The feelings of Mr. Hastings, are highly gratified beyond all doubt, by the general esteem in which his character is held in Great Britain, and throughout Europe. It must also afford him the highest pleasure, to reflect, that no one native of India has complained of his oppressions; on the contrary, all unite in bearing testimony in his favour; yet the fact is, that having been tried upon charges, which would have subjected him

him, on conviction, only to fine and imprisonment, he has been seven years a prisoner, and has been fined, by the expence of so long a trial, in a much larger sum than any Court ever imposed upon an individual, except in the disgraceful days of Charles the Second, when fines were intended to operate as sentences of perpetual imprisonment.

You concur with Mr. Hastings in opinion, " that the delay in his trial is *shameful*, and let " it come from what quarter it may, *an abuse* " *of justice*."

I should hope, that I may be admitted to examine, in cool and guarded language, the truth of the following assertion, which you was pleased to make in Westminster Hall, before a very crowded audience, a few days ago, " That

" neither the House of Commons, nor the managers were to blame, for the delay that had " happened in the trial of Mr. Hastings."

The



The House of Commons, taken collectively, will, I am sure, be of opinion, that an impeachment which has lasted seven years, and in the support of which, so very large a sum of public money has been voted, is as free a subject for public discussion, as Lord Chatham's management of the navy, or any other political occurrence of the present day. I am sorry, that *you*, who are a friend to the freedom of the press, did once entertain different sentiments. You were pleased to make a specific complaint to the House, in February 1788, against the publisher of a very able pamphlet, in which the charges preferred by the last House of Commons, against Mr. Hastings, were dispassionately examined. Upon *your motion*, his Majesty was requested to order his Attorney-General to prosecute the publisher. A British Jury determined, *that it was no libel*. I have inserted below,\* the passages

\* The following extracts were selected by Mr. Fox, when he complained to the House of the pamphlet, and they were introduced by the Attorney-General, in his information, as false, wicked, seditious, and libellous.

"What credit can we give to multiplied charges, when  
" we

sages which you quoted, and, however *strong* they may appear, when taken *separately*, were viewed very differently, when considered with the context.

" find that they originate in misrepresentation, and falsehood ?"

" An impeachment of error in judgment, with regard to the quantum of a fine, and for an intention that never was executed, and never known to the offending party, characterizes a tribunal inquisitious, rather than a Court of Parliament."

" The other charges are so insignificant in themselves, or founded in such gross misrepresentations, that they would not affect an obscure individual, much less a public character : They are merely added to swell the catalogue of accusations, as if the boldness of calumny would insure its success, and a multiplicity of charges, were an accumulation of crimes. Thirteen of them passed in the House of Commons, not only without investigation, but *without being read* ; and without inquiry, argument, or conviction, a majority determined to impeach, opposite parties met each other, and jostled in the dark, to perplex the political drama, and bring the hero to a tragic catastrophe."

" The office of calm deliberate justice, is to redress grievances, as well as to punish offences. It has been affirmed, that the natives of India have been *deeply injured* : but has any motion been made, to make them compensation for the injuries they have sustained ? Have the accusers of Mr. Hastings ever proposed to bring back the Rohillas to the country from which they were expelled, to restore Cheyt Zing to the Zemindary of Benares, or to return the Nabob of Oude the present which the Governor of Bengal received from him, for the benefit of the Company ? Till such measures

text. The pamphlet was, in fact, *a reply to a pamphlet*; for in a pamphlet were the charges against Mr. Hastings printed, and circulated throughout the nation. *Later events have fully justified all the reasoning of the Scotch Divine.*

In this letter, if an intemperate expression should escape me, I hope it will be pardoned; my meaning is to state calmly and dispassionately, what I believe to be *the real causes of the delay in the trial of Mr. Hastings.*

*This House of Commons is so far from being to blame for the delay, that it has displayed the most eager anxiety to bring the trial to a speedy close.*

*"sures are adopted, and in the train of negotiation, the world has every reason to conclude, that the Impeachment of Mr. Hastings is carried on from motives of personal animosity, not from regard to public justice."*

The honest and virtuous Divine, who wrote the pamphlet of which Mr Fox complained, died in 1789.

In



*In the first session, after having determined that an Impeachment was not abated by a dissolution, it ordered the Managers to close the prosecution with the article of Contracts, and the prosecution was closed in four sitting days, after the recommencement of the trial, in this Parliament.*

*In another instance, the House displayed an eager anxiety to finish the trial. When Mr. Hastings had closed his defence, in the last session, the Lords appointed an early day for the reply. Unfortunately for the acceleration of justice, the Gentlemen with whom you act, desired to postpone the reply to this session, but the House, would not agree to the proposition.*

*Mr. Grey, a Manager, a Patriot, and a Reformer, who opened a case so strong, that it would have precluded the necessity of any reply, had it been supported by evidence, applied for further time!!! He said that one hundred clerks were employed day and night, in preparing materials for his use in replying to the first article; that so long*

long a time must elapse before he commenced his reply, as to leave *no hope* of concluding it in the last session; and he asked it *as a favor*, to postpone the trial to this session. After *such a request*, a message was sent to the Lords, requiring *further time*, and the trial was postponed to this year.

From this statement it is clear, that the House is not to blame for the delay. It rejected the first motion of the Managers, who wanted to put off the trial to this year; and it complied *with the second*, because Mr. Grey told them, he could not go on at the time fixed by the Lords.

The House, in another instance, shewed its anxiety to close the trial. It is a fact well known, and was publicly mentioned by Major Maitland in the House, that Mr. Hastings was under the necessity of writing letters to many of his friends, who were Members, and to other Gentlemen, earnestly requesting them to attend, in order to make a House, that his trial might go on.—Strange indeed, but true!!!—Not only were

were the House, but the Managers, if I may judge from their absenting themselves, tired of so tedious a trial. To remedy the inconvenience arising from non-attendance, this House agreed that the Managers might go into the Hall, without first putting the speaker in the chair.

If I might take the liberty of commenting upon any part of the proceedings of this House of Commons, I should say that it committed a *material error*, when it adopted, *without investigation, or enquiry*, a great number of *articles* which had been voted hastily, *by the last House of Commons*.

To vote that a diffolution does not *abate* an impeachment is one thing—but to *adopt*, without any sort of examination, *the articles* voted by a former Parliament, is another. The present House *never did enquire*, and therefore cannot be supposed *to know*, whether the articles voted by the last wer *true*, or *false*.



If I were to argue from what this House *has done in each session*, but more particularly *in the last*, I must conclude, that they believe the articles *to be unfounded in all their material parts.*

“Perish our commerce (said Mr. Wyndham)  
“but preserve the Constitution.”

The House which applauded this sentiment would have said, “Let the East-India Company be annihilated, rather than Parliament should *forfeit its integrity*,” provided they had thought, *as you profess to do*, that all our acquisitions in India are the fruits of *robbery, injustice, oppression, and breach of faith*. If one effect of this wide-wasting war has been to disable the Company from paying *in this year at least*, that half million which Mr. Pitt took credit for as confidently as if it had been in the Exchequer, what would be our situation, if the articles voted against Mr. Hastings, by the last Parliament, *were true*? Believe me, Mr. Fox, this is a very *serious consideration*, and will weigh  
upon

upon the minds of sober, and thinking men more and more every day.

Is it for the credit of a great and enlightened nation, that there exists *at this moment*, in the journals of its representative body, a series of resolutions and articles, condemning *in the strongest possible terms*, the various measures, by which the aggregate of our Indian surplus has been procured?

Is it for *your credit*, Mr. Fox, to have allowed a bill to pass, without opposition to that *material part of it*, which gives to the public, *from the plunder of India*, half a million sterling, annually, *for twenty years*, while a gentleman is under trial, by a parliamentary impeachment, for the measures, by which alone, either the proprietors, or the public, can receive a shilling from India? That Mr. Burke should have violated his *solemn pledge*, and absented himself while *this bill, so fatal to his fame*, was depending, I do not wonder. From him I have nothing but *inconsistency* and absurdity to expect, on the

subject of India. But *you*, who prosecute for justice sake, that *you* should have *allowed such a bill to pass*, without pointing out how inconsistent it was with the impeachment, which you were supporting *in the name of the people of Great Britain*, is, indeed, a subject of great astonishment to me, as often as I reflect upon it.

I will not interrupt your attention by extraneous matter; but if you will condescend to look to the note below,\* you will see, that upon *the principles*, supported at different times by Mr. Dundas, Mr. Burke, Mr. Fox, and a former Parliament, instead of being entitled to *receive half a million sterling a year from India in future*, this country *owes to the princes of India*, the  
sum

\* The Impeachment, like Mr. Fox's Bill, was grounded on the Reports of the Secret and Select Committees.

If Mr. Fox were again to be the Minister of Great Britain, and if he were to retain the opinions which he *now* professes to hold—If Mr. Dundas were to *resume his former character*, to abandon the *extraordinary assertion* as coming from him, that *India* had eminently *prospered* under the British Government, and to maintain *the truth* of Resolutions moved by *himself*, and voted by the House of Commons in 1782, then  
the



sum of *thirty-four millions, seven hundred, and den thousand pounds.*

Shall Parliament degrade itself, by saying,  
 “*Non rapui sed recepi*”? God. forbid. Upon  
 cool

the following statement would agree with the *Journals of Parliament.*

Great Britain debtor to India.

The Mogul Shaw Allum.

Tribute 21 years at 300,000l. per ann.	—	6,300,000
Interest	—	4,200,000
Corah and Allahabad, at 300,000l.	—	6,300,000
Interest for ditto	—	4,200,000
Total	—	<u>£21,000,000</u>

N. B. There is a resolution on the Journals of the House of Commons, moved by Mr. Dundas in April, 1782, and voted *unanimously*, in which it is affirmed, “That the stoppage  
 “ of the Mogul’s tribute, and the sale of Corah and Allaha-  
 “ bad, were contrary to *policy and good faith*, and that such  
 “ wise and practicable measures *should be adopted*, as may tend  
 “ to *redeem the national honour*, and recover the *confidence of*  
 “ *the Princes of India.*”—Twelve years are elapsed since this  
 Resolution was voted; ten years since Mr. Dundas has been  
 the India Minister; but the Mogul has never received a rupee,  
 and his eyes were put out by a savage in 1789. He is still  
 nominal Emperor of Indostan; his name (as Mr. Burke  
 truly says) is stamped on our coins, and he is daily prayed  
 for in every mosque in India.

Chey

cool and candid enquiry, it will appear, I trust, that Mr. Dundas, and *your friends*, were ignorant, uninformed men, when you held the opinions

## Cheyt Sing.

Increased rent of Benares, at 200,000l. per ann.	2,800,000
Bedjygur prize money	300,000
Intérest	1,200,000
	<hr/>
	£.5,300,000

N. B. On the case of Cheyt Sing there are two Reports from the Select and one from the Secret Committee; when Mr. Dundas moved the recal of Mr. Hastings in 1782, he particularly lamented the fate of that unfortunate Prince, Cheyt Sing. If he were unjustly dispossessed, it is disgraceful to Ministers not to have restored him long ago, since they have not only the power so to do, but the law positively prescribes that they should enquire into, and redress all injuries, done to Zemindars, and landholders of every description.

## Begum of Oude.

Money taken from her Zenana	600,000
Intérest	1,200,000
	<hr/>
	£.1,800,000

N. B. This money was taken from the Begum in February, 1782; an account of its having been taken from her, arrived in England in July 1782. From that time to this, no idea has been entertained of repaying her this sum; and the Begum, who is a very shrewd, smart old woman, asked a Gentleman who repeated the heads of Mr. Sheridan's speech to her through a curtain, why some of her volunteer champions had not

nions I have quoted, and that Great Britain is fairly entitled to the great resources she draws from India.

Although

not proposed to return the money, which they thought had been unjustly forced from her.

Nabob of Bengal.

One hundred and sixty thousand pounds a year			
for 22 years	—	—	3,520,000
Interest	—	—	2,240,000
			<u>£.5,760,000</u>

N. B. By a treaty concluded with the Nabob of Bengal in 1770, the Company engaged to pay him 380,000l. a year; the Directors reduced the stipend to 160,000l. at which it has continued ever since: and Lord Cornwallis has said that the sum is sufficient for his expences; but Mr. Burke has classed *this* amongst the instances of *breach of faith on the part of Mr. Hastings*. The India Minister has not added *one rupee* to his stipend.

#### PRESENTS.

Received in 1780, 1, and 2—and applied to the			
public service	—	—	200,000
Interest	—	—	650,000
			<u>£.850,000</u>

These several sums make a total of thirty-four millions, seven hundred, and ten thousand pounds. In other words, if the Government of Bengal, and the Company at home, had not



Although I can see no ground for imputing *delay* to this House of Commons, I think the managers have much to answer for on this head.

In support of the charges, twenty-two days were employed in speeches\*, and the case, *from those speeches*, appeared *so strong*, that any rational

not adopted the several measures above specified, the Company, that is the nation, would have owed this enormous sum *in addition to the debt it now owes*—or, if the nation disapproving, as Mr. Dundas, Mr. Fox, and Mr. Burke, have done, of the several measures above-mentioned, should take *the only step* by which its character can *be retrieved*, and pay *back* the sums of which India has been *plundered* for the advantage of England, then it must raise upon the people of England the sum of thirty-four millions, seven hundred, and ten thousand pounds.

* Mr. Burke spoke	8 days
Mr. Sheridan	4 —
Mr. Fox	3 —
Mr. Anstruther	2 —
Mr. Grey	1 —
Mr. Adam	1 —
Mr. Pelham	1 —
Mr. St. John	1 —
Mr. James Erskine	1 —

22

man

man would have believed, there *could be no necessity* to waste a moment *in reply*. At the close of this Letter, I shall print, as a most invaluable literary curiosity, certain extracts from those speeches, and in an opposite column, certain extracts from the minutes of evidence. Possibly the impartial part of mankind may conclude, that every moment employed in applying an epithet, which subsequent evidence did not prove to be *truly* applied, was a moment wasted. In that case, much valuable time was certainly lost by the managers.

But that a necessity arose for continuing the trial *beyond one session of Parliament*, and thereby setting a most dangerous and alarming precedent for trials by impeachment, is not in any degree to be attributed to the managers, *but to the nature of the charge preferred*, which rendered its being finished in one year, absolutely impossible.

How a charge of such a nature came to be preferred, I shall proceed to state, in the hope that, as it was *the first instance*, so it will be the

*last*, in which such a mode of proceeding will be adopted.

It appears *from the journals*, that in the month of March, 1786, Mr. Burke presented to the House large volumes of charges, which included every act done by Mr. Hastings, in a Government of thirteen years; civil, military, political, or financial. Each act was affirmed by Mr. Burke, *to be a high crime and misdemeanor.*

After various debates upon the proper mode of proceeding, it was at last determined, that in a committee of the *whole House*, each charge should be separately considered, and the question on each was agreed to be, that it contained in substance, *matter fit for impeachment.*

Under this arrangement, you opened the matter contained *in one volume*, and entitled the Benares charge. The committee determined, that *in this volume*, there was contained *matter fit for impeachment.*

The



The only two gentlemen who took a distinguished part in the debate, were yourself, and Mr. Pitt.

Your argument was, that for three successive years, Mr. Hastings exacted fifty thousand pounds a year from Cheyt Sing, as a public contribution *in war*. That the exaction *was a high crime and misdemeanor*, because it was *a violation of a solemn treaty*. That he further ordered him to furnish *a corps of cavalry* in the year 1780, which was also *a high crime and misdemeanor*, because Cheyt Sing was *not bound by treaty to furnish any such aid*. That to propose to punish him by *fine*, for omitting to obey, or for tardily obeying orders which were illegal, was *an additional crime*, that his *expulsion was a crime*, and that the country being *completely ruined* in consequence of his expulsion, was also *a high crime*, for which Mr. Hastings was greatly responsible. His *motive* for all these criminal acts, was stated to be *malice*, and his *object* to ruin Cheyt Sing,

Though many may differ from you in opinion, yet all must allow, that upon this, as upon all other subjects, your argument *was intelligible to the meanest capacity*. No man was more ready than Mr. Hastings to declare, that if you made out *your first proposition*, if you proved he had *no right* to demand military aid from Cheyt Sing, all your *conclusions* followed of course.

Mr. Pitt, in the ablest speech that ever was delivered in Parliament, proved (to my conviction at least) that Mr. Hastings *had a right* to demand assistance from Cheyt Sing *in war*. He fully disproved the charge of *malice* by a reference to dates, and he hurled the thunder of his eloquence against Mr. Burke, for making *so groundless a charge*. He stated the conduct of Cheyt Sing to be *contumacious* and *criminal*, and he said that Mr. Hastings *had every reason to believe him disaffected to the British Government*. He admitted that Cheyt Sing deserved *to be punished*, but *the crime of Mr. Hastings consisted in the measure of the punishment he meant to inflict upon him*.

him. The sum of fifty lacks was “*enormous, grinding, oppressive, a crime, a high crime!*”

As to the expulsion of Cheyt Sing, it was necessary, nor were any of the subsequent measures in any respect blameable, in the opinion of Mr. Pitt.

I was in the House when this speech was delivered, and I paid the utmost attention to every syllable that fell both from him and from you. I am sure I mean to state fairly the arguments of each.

You went through *the charge*, as Mr. Burke drew it up, and endeavoured to impress this idea upon the House—That as Mr. Hastings having conceived *malice* against Cheyt Sing, in 1777, did, in order to *ruin him*, make an illegal demand of five lacks from him in 1778—that he did the same in 1779—the same in 1780—that in 1780, he also demanded the service of a corps of cavalry; that he proposed to fine him for disobedience—that in the next year he put him  
under



under an arrest, in order to exact a most enormous fine from him—that his being rescued from that arrest afforded a pretext for his expulsion and total ruin, and thus had Mr. Hastings fully accomplished *the scheme* in 1781 which he had formed so early as in 1777.

Mr. Pitt explained *himself* too clearly to be misunderstood—"The fine which Mr. Hastings  
 " proposed to levy on Cheyt Sing, *was beyond*  
 " *all proportion exorbitant, unjust, and tyrannical.*  
 " *This act of oppression* was such, as ought to  
 " make one of the articles, if an impeachment  
 " should be voted; being, in his judgment, a  
 " very high crime and misdemeanor."

"He meant to *confine* himself expressly to  
 " the *exorbitancy* of the fine."

A reference to Mr. Pitt's printed speech,\* from which these partial extracts are taken, will prove that I have given his argument *fairly*, as I hope I have done yours.

\* Parliamentary Debates, 13th June, 1786.

In the following year, 1787, *this volume* was sent to a secret Committee, who were ordered to frame the matter contained in it, into an article of impeachment. The present managers and Mr. Francis composed that Committee. Mr. Pitt, at *the same time* signified *his intention* to move amendments to the article in a future stage of the proceedings, so as to *take the true sense of the House* upon the subject. Nothing could be *fairer* than the mode he proposed—why he *afterwards* departed from it, is known to God and his own conscience. But miserable have been the *consequences*, to the character of the country for justice, to Mr. Hastings, and to the public.—Allow me, Mr. Fox, to state *the fact*, *fairly*, and *truly*.

Mr. Hastings has been arraigned *seven years* in the name of *all the people of Great Britain*, for exacting large sums of money from Cheyt Sing, for the public service, contrary to *treaty*, and against *right*. This *fundamental proposition* never was voted, unless *pro forma*. Two members of the greatest weight in the House spoke upon it. Yourself, and Mr. Pitt. Light and darkness are

are not more *opposite*, than your opinions on the subject, yet an article *expressly founded* on *public exactions* having been made contrary to *treaty* and *to right*, was ultimately *voted*, without the sense of the house having been taken upon it. I state this, as the first, and the *great ground* of delay. On Mr. Pitt's principles, the trial of the Benares charge could not have lasted *One Day*.—There was *no reason* to believe that the late House differed with him in opinion.—On the contrary, I think I shall prove, to the *conviction of all rational men*, that they would have agreed with him—I state the mode in which the Benares article was voted, as the first great cause of delay in the trial.—The prosecution and defence of this article took up *Twenty-five Days*. How much the *Reply* may take up, no man can guess; as yet it has not advanced a step, *in three sitting days*.

I cannot bring my mind to believe, that the late House differed from Mr. Pitt, because in the same year (1787) that the impeachment was voted, Mr. Dundas began a practice which he has very laudably continued from that year, to the



the present time. He presented to the House a comprehensive view of the affairs of British India. He presented *accounts* to the House, stating the amount of the public revenues, and the *sources* from which they *sprung*. Did he ever make *any deduction* from the revenues of Benares, either on account of the ruin brought upon that country *by the expulsion of Cheyt Sing*, or from any idea that Mr. Hastings had taken *two hundred thousand pounds a year* from Benares, *more than he had a right* to take? Certainly not. Did *any one manager*, or any other member, dispute his calculations? Was not Mr. Dundas in the habit of saying, that flourishing as was the State of the Bengal Government, and productive as were its resources, they would become more and more so every year? And did not the accounts of each subsequent year *prove* that Mr. Dundas *was well informed*? Is it then to be supposed, *for a moment*, that if Mr. Pitt, with the influence attached, and properly attached to his station, had taken the sense of the House *in any year*, upon the Benares charge, *a majority* would not have *concurred* with him in opinion, that Mr.

E

Hastings

Hastings had a *right* to demand military aid from Cheyt Sing *in war*; that there was *no ground* to believe he was actuated *by malice*, in making the demand; that the conduct of Cheyt Sing was *so contumacious*, as to deserve *punishment*; and that the country was not *ruined* by his expulsion, because it had paid the *increased revenue to the public*, which Mr. Hastings had settled? What the determination of the House would have been, *I cannot doubt*, and that the question was not brought *fairly* before them, I deem to be a very serious public misfortune.

I do not presume to blame the gentlemen who drew up this article. It was extremely natural, that Mr. Burke and yourself, who were the leading members of the Secret Committee, should have presented *your own ideas* to the House of Commons. The injustice exercised upon Cheyt Sing, was one great ground upon which you argued in the course of your own India Bill, and his *restoration* to Benares was *secured* by a clause of that bill.

But

But that Mr. Francis (who though afterwards rejected as a Manager, was a Member of the Secret Committee that drew up the articles,) acquiescing in the demand made upon Cheyt Sing *in the first year*, concurring *in the second*, and giving his *full* approbation to all that was done in the third, should have joined in voting those several acts to be *criminal*, does indeed astonish me.

Still more extraordinary is it, that *Mr. Anstruther* should have taken an active part in support of this charge, even in Westminster Hall.

That gentleman stepped forth a volunteer in defence of Mr. Hastings on this very subject but a few years before. *As a proprietor of India stock*, he told us in a very full Court, that from all he had *read*, and all he had *heard*, he was convinced that Cheyt Sing was *bound* to afford military aid to his sovereign, the East India Company : and he most ably defended Mr. Hastings in all that he had done, for the public service.



Another Gentleman, Sir Gilbert Elliot, surprised me not a little also. That worthy baronet had assured Mr. Hastings, that he had been so much "accustomed to entertain respect, and "even *sincere affection* for him, he did not know "how to consider himself as a stranger *to him*, "who was *the first object* of the admiration, regard, and gratitude of the person *whom he most* "loved in the world." Yet he was a Member of the Committee who drew the articles, and is a manager!!!

With the exception of these three gentlemen, the Committee was composed of members, who had been in the habit of treating the whole India Government as a system of robbery, injustice, oppression, violence, and breach of faith, and they have been consistent. I again lament, that *the House*, never did in point of *fact*, give its opinion on the *ground* and *basis* of the Benares charge, because I think it *morally impossible*, that an assembly so enlightened as the late House of Commons unquestionably was, could have agreed with the Managers, that there was any engagement

ment subsisting between the East India Company, and Cheyt Sing, which precluded the former as a *sovereign*, from calling upon the latter as a *subject*, to contribute an extraordinary supply to the public service, at a moment of extraordinary emergency. Again I repeat, that the matter was fully and *completely argued by Mr. Pitt in 1786*, but most unfortunately he never did, *what he pledged himself to do in 1787*, namely, move an amendment to the article, by which the *sense of the House would have been well known*.

In the next article, the Begum, the same mode was observed. The question in substance, was, that *in the volume* presented by Mr. Burke, under the title of Begums of Oude, there was matter fit for impeachment.

On this article, Mr. Pitt gave his opinion very fully, and though concurring in the general vote, he expressly declared, that the charge of *cruelty* preferred against Mr. Hastings was *unfounded*.

We

We have had so many scenes of real horror to contemplate of late, that the *fictitious distresses* of the *Begums and their eunuchs*, cease to interest us:

Strange and inconsistent is man !!!

How feelingly has Mr. Burke described oppressions that never were practised in India. How has he wept over the fate of two eunuchs, whose punishment extended to temporary confinement *in a palace* !! How has he described the miseries sustained by two old ladies, who have unjustly acquired immense treasures that they cannot use, and who suffered a very slight restraint, which would have been removed the instant they gave up a small part of those treasures. Yet with what indifference, or worse than indifference, did he hear of the confinement of three European gentlemen in dungeons, damp and deep, whose only crime was, an attempt to give their country a better constitution, after a Government was overturned, which



which Mr. Burke has himself described, "*as the determined enemies to the freedom of mankind!!!*"

The *single point* to which Mr. Pitt gave *his support* in the Begum charge, might have been determined *in three days* at most. The prosecution and defence of this article, took up thirty-five days. How long the reply may last, I cannot conjecture.

The presents were voted precisely in the same manner.

One complete year, in which the Court sat seventeen days, was expended in debates on evidence, and in references to the judges. The disputed point was, whether evidence relating to transactions which were said to have happened, *twenty-two years ago*, ought to be admitted. And here I humbly conceive, that justice to Mr. Hastings, and to the public, required that the wisdom and the fairness of a *principle*, laid down by Mr. Pitt, ought to have been considered, by the late House of Commons.

When

When the impeachment was depending, in the first stage of it, Mr. Pitt affirmed, that it would be in the highest degree *unjust*, to make Mr. Hastings answer as a criminal, for measures which he had adopted, prior to his several parliamentary appointments, as those appointments were the *strongest proof* of *parliamentary approbation*, unless (he added) some evidence had been discovered *since*, which was not known when those parliamentary appointments took place.

Nothing could be *fairer* than such a declaration. Amidst all the horrid proceedings in France, no circumstance appears more repugnant to our feelings, than those parts of the impeachment of the late King, which called upon him to account for his conduct, *prior to his acceptance of the Constitution*. How far the cases are parallel, I do not presume to say, but I will state the fact.

Mr. Hastings was appointed Governor of Bengal by the Company, in April, 1773.

He

He was appointed Governor-General of Bengal, by *Parliament*, in 1773.

He was re-appointed in 1778, in 1779, in 1781, and in 1784, by *Parliament*.

In 1776, those acts of his administration, which form part of the article of *presents*, were the subject of *public discussion* in England; and as the Minister, Lord North, was then *adverse* to Mr. Hastings, all the *Rockingham party* were his friends. The Minister endeavoured to remove him, but was foiled. When the five years for which he held the Government were elapsed, Lord North proposed to *Parliament*, to re-appoint him; for this recommendation, he assigned most forcible reasons. That Mr. Hastings possessed vigour, abilities, and resources. That it was a period of war, and of uncommon difficulty and danger, and *therefore* he proposed to continue him in the Government, by three successive appointments.

F

Upon



That neither time nor circumstances can operate as a bar to a parliamentary impeachment, we all know; the House of Commons has a right to accuse, *when, and how* it pleases; but upon the *principle* declared by Mr. Pitt, these several re-appointments, should have operated so as to prevent any enquiry into transactions which had happened in 1772, and were *fully known in England*; in 1776. Unfortunately, *the* sense of the House was never taken on the wisdom and justice of the *principle* laid down by the Minister.

The next article is the contracts, consisting of *five allegations*, two of the five Mr. Pitt most strongly *opposed*, and he declared, that instead of being attacked as *a criminal for a job*, for the mode he adopted to supply Madras with provisions during the war, Mr. Hastings had meritoriously preserved *a nation from perishing by famine*; nay more, that his mode of supply was *the most economical that could have been adopted*. Mr. Pitt divided the Committee on this charge, and was left in a *minority*. But though he promised

mised to take the *sense* of the *House* upon the charge, at a future period, he never did, and Mr. Hastings has been tried as a criminal, for doing that, which in the opinion of the *Minister*, preserved a nation from perishing by famine.

I do not know that the *House* would have concurred with Mr. Pitt, nor can any one say, that it would not. My firm opinion is that it would.

On these four articles, Benares—the Begum—the Presents—the Contracts, does the impeachment depend? Sixteen more were voted, but they have been abandoned, for the revenue article has only been resorted to in a very small part, as connected with the charge of presents, and not as a separate substantial charge. If it had been entered upon; if the great question, as to the rights of Zemindars; the putting up a whole kingdom to auction; the misery, oppression, and destruction, charged to have been brought upon a whole people by Mr. Hastings; if these allegations (all of which Mr. Pitt opposed as unfounded) had been gone through, and if the other articles voted by

the last House, had been prosecuted, *the life of man*, supposing it extended to the age of *old Parr*, had been *too short for completing the trial*. The inference to be drawn from the statement, which I affirm to be correct, is, that the first and great *cause of the delay*, in the trial of Mr. Hastings, is the manner in which the impeachment was voted in the last House of Commons. No such delay *could have happened*, had the House come to a *specific vote*, on each *specific allegation*, in the charges. The deed is done now; we can only lament it, and join with you in expressing *our hopes*, that the trial may be brought to as speedy a close as possible.

In every point of view in which this important subject can be considered, it will appear to be a most unfortunate circumstance, that the articles voted by the last Parliament, were not *maturely and separately considered*. That thirteen were passed before they *were read, you know to be true*. They are all abandoned, except a very small part of one of them; but surely it is no trifling evil, that in these articles, certain  
arrange-



arrangements should have been voted *criminal*, which have received the *fullest approbation* of the *King's Ministers*, and virtually of that very House of Commons *which sent the impeachment to the Lords*.

That the gentlemen-managers should have represented in each year of the prosecution, our part of the great continent of India *as destroyed*; that Mr. Burke should say, we never made a treaty which we have not broke, nor had a connection with a native Prince of India, *whom we have not ruined*, does not excite my wonder in the least. But when I consider, that he says all this as the delegate of a body, who have listened in each year to *language so very different from Mr. Dundas*, I am indeed surprised, that no one gentleman proposes, by a vote, to stop one or other party. Mr. Dundas, or Mr. Burke must be in the wrong.

It has been frequently observed by Mr. Hastings, and by the gentlemen who have supported him, that he has been impeached for acts which  
were

were done prior to his several parliamentary re-appointments, and for acts which have received the fullest approbation of his Majesty's Ministers, and virtually of that very House which did impeach him.

In the month of February, 1788, Mr. Burke condescended to notice this sort of argument in the following words.

"There is another point, which he (Mr. Hastings) takes up as a general rebut. He says, as to a great many of the practices that I am charged with, parliament has since re-appointed me to my trust; if I am guilty, *so are they*. I boldly say the Commons are wholly *guiltless of this charge.*"

"If they had appointed him *to a great public trust, after they had known of his guilt, they would have participated with him, in which I do admit, there would be a great indecorum.*"

"Those

“ Those crimes with which they now charge  
 “ him, never did appear in public, nor before the  
 “ House of Commons.”

“ If any one will shew any one of those actions  
 “ that he is charged with, ever proved before, or  
 “ known to the House of Commons, we will take our  
 “ part of the shame.”

See Mr. Fox *the sort of man*, to whom you,  
 and your friends, have for *thirteen years*, com-  
 mitted your *honour*, your *consciences*, and your *un-*  
*derstandings*.

The fact is, that the acts charged to be cri-  
 minal, and which Mr. Burke *himself* delivered  
 at the bar of the House of Lords, were *all*  
 known, and had been *all* very much discussed in  
 the House of Commons, prior to his last parlia-  
 mentary appointment. But the charge on which  
 yourself and Mr. Burke, laid the greatest stress, and  
 which you both concurred in stating, as the most  
 criminal of all the measures of Mr. Hastings, was  
 publicly



publicly known, prior to his first parliamentary appointment, in 1778.

It was in that year, the subject of a *special report, from a Secret Committee of the House of Commons*. I mean the letting the lands *for five years*, to the persons who offered the best terms for them ; an arrangement which is mentioned in the articles of impeachment, “ as a violation of  
 “ duty to the East-India Company, a contempt  
 “ and disregard of property, title, and right,  
 “ subversive of true policy, adopted with a total  
 “ neglect of tenderness and humanity to the  
 “ distresses and calamities of the inhabitants,  
 “ and attended with great loss and damage to  
 “ the revenues, and as bringing vexation, oppression, and destruction, on the inhabitants  
 “ of Bengal.”

It would be unbecoming in me to cast a reflection upon the late House of Commons, Mr. Burke may do it, and he has often so done : even when it was in existence, he called the law which that House passed for the Government of India,

“ a corrupt

“ a corrupt act,”—but the fact *undoubtedly is*, that an arrangement made by Mr. Hastings in the year 1772, and specially reported to Parliament in 1773, was in 1787, voted to be a high crime and misdemeanor; and though ultimately abandoned, it has repeatedly been described by Mr. Burke, and Mr. Fox, *as the most criminal of all the acts charged against Mr. Hastings.*

As a steady advocate for the abolition of the slave trade, you have taken *shame* to yourself, for having permitted it to exist so long without expressing your abhorrence of it, and using your endeavours to abolish it intirely. But you cast no reflections *upon the merchants, who, under the authority* and encouragement of the law, had engaged in this commerce for more than a century. In vain do I look for the *same degree of candour and justice* in your conduct, relative to the East-India company and its servants.

Mr. Adair (the cousin of the duke of Bedford) who has written the history of your political life, observes, that the impeachment was a

G

confe-

consequence of your India Bill, and that by the result, the credit of that Bill, would stand or fall.

What the issue of the impeachment may be, it would be improper even to conjecture ; but the legislature has effectually condemned every part of your Bill, and at the same time, has fully confirmed all that Mr. Hastings did in India.

It was a principle in your Bill, and God forbid, that I should not honour so noble a principle, that where injustice had been committed, justice should be done fully and completely. The impeachment was also avowedly undertaken, in order to do justice to the people of India.

It was a clause in your Bill, that all monopolies should be immediately abolished, as unjust, vexatious, and oppressive.

To do justice to the people of India, upon the principles so publicly avowed by yourself, and Mr. Burke, you must bring inevitable ruin upon the East-India Company.

The



The *monopolies* established by Mr. Hastings, produce above one million sterling a year. The stoppage of the Mogul's tribute—the diminution of the stipend of the Nabob of Bengal—the increased rent of Benares, and the Oude subsidy, produce above a million a year also. Now as all these measures are *reprobated* by those who supported your Bill, and who support the impeachment, I would ask you from what sources, these excepted, can this country be benefited by the possession of India?

The bonus to the public, of half a million a year—the dividend to the proprietors—the supplies to China in part—and the sums necessary to make the revenues of Bombay and Fort St. George, equal to their annual expences, *must all come from Bengal*—and what ability has Bengal to supply them, if we give up those resources, which, by your language, it is *iniquitous to retain*? The *landed revenues* of Bengal are fixed for ever, on the medium receipts of the last ten years. There can therefore be no *increase* under that head in future.

What conclusion can I draw from the conduct of the House of Commons, but this ? that the members who compose it, are sensible of the *prejudices or ignorance* of that House, which, by so great a majority, passed your India Bill. The relation which the Bill bears to the impeachment, is so obvious, that I need not explain it. By your India Bill, and by the impeachment, the whole system by which India *was*, and *is* governed, was *completely reprobated*.

It would be the grossest *libel* upon parliament, to say, that they reprobate a system which they adopted, *after the fullest consideration*, upon the renewal of the Company's charter.

How Mr. Burke's conduct, and yours, and the conduct of the gentlemen who act with you is to be reconciled to reason or to common sense, I am sure I do not know ; but the defect may be in my understanding. You are now in the seventh year of a public trial, in which one hundred thousand pounds of the public money has been expended, in the hope of *doing justice to*  
*the*

*the people of India, for the injuries they have sustained.* Such is the *professed object.* The man accused of having *injured them*, has had every opprobrious epithet applied to him that the English language affords. One of his accusers, in a paroxysm of passion, affirmed, that he had been guilty “ of every crime, from a bare simple, “ lie, to the foulest murder ” After such a waste of time, and after such a waste of money, the trial is closed, on four points, which, however *important they may be*, are *but as a drop of water to the ocean, on a comparison with the magnitude of the original charge.* Justice to the people of India, is now totally out of the question. A law is enacted for renewing the charter for twenty years, on terms highly advantageous to the public, and the Company. *but* In the progress of the Bill, no man bestowed *a thought upon the people of India.* Mr. Burke, *their champion*, violated *his solemn and voluntary pledge*, and absented himself. Neither you nor any one of your friends, said a syllable in favour of *the people of India.* This silence could not proceed from ignorance. There was neither surprise nor suppression practised



tified by Ministers. Mr. Dundas was free and unreserved in his communications ; each branch of resource was fully detailed in the accounts that he presented, and if those different heads which Mr. Hastings has been *impeached for having created*, were to be deducted, England would be indebted to India above thirty-five millions sterling, and instead of having a surplus in future years, the balance against us would be so great, as to render India a burthen, instead of a benefit to Great Britain.

NP I hope I have used no expression in this letter, at which you can justly take offence, and I trust that in stating the mode in which an impeachment was voted, in the years 1786, and 1787, I have said nothing than can be construed into a reflection upon the last House of Commons. All men now agree that the *delay* on the trial of Mr. Hastings, is *an abuse of justice*.

Some attribute the delay to the Managers. They think that many of the opprobrious epithets might have been spared, that the same  
points

points need not have been referred so often to the judges, and that the Managers might, and ought to have finished their reply in the last session.

Some attribute the delay to the Lords. That a criminal trial being commenced, it should have been continued to its close in the first session.

Others, or rather Mr. Burke, accuses Mr. Hastings of delay, because *his Counsel* on various occasions, objected to the evidence brought forward by the Managers.

My humble opinion is, I again repeat it, that the great and first cause of the delay is fairly imputable to the late House of Commons, who, by voting such an immense mass of matter, and stating *the whole to be criminal*, extended the trial to its present enormous length; that they did vote so enormous a mass of matter, without examination, is justly imputable to *the mode* unfortunately adopted at the outset of the business,

and

and if *this House of Commons* had not expressly precluded the Managers from going on, by directing them to close the prosecution with the article of contracts, there is *no period*, to which the trial might not have been extended ; for you will be pleased to recollect, that Mr. Burke said he complied with the criminal impatience of the times, when he consented to close the case, without going through *all the* articles.

That the trial deeply involves the honour, and the character of the country, I entirely agree with you ; as a friend to my country, and as a man feeling for its prosperity, and for the welfare of the East-India Company, I shall conclude this letter with expressing my most anxious wish, that it may appear by the result of this great cause, that Mr. Dundas was grounded in *fact* and *in truth*, when he declared that Bengal had eminently *prospered* under the British Government ; and that just and good men may receive, without doing violence to their consciences, their share of the advantages which we collectively draw from India. No *honest man*  
can



can even receive his dividend with a quiet conscience, provided he thinks *that to be true*, which Mr. Burke has so often affirmed to be so, “that we never made a treaty, which we  
 “ have not violated; that we never entered into  
 “ connection with a native Prince, without ruin-  
 “ ing him; and that our provinces, which  
 “ once were *flourishing*, have under *our manage-*  
 “ *ment*, become *desolate*.”

The following extracts from the speeches of the Managers, apply to general subjects; chiefly to the *character* which *they* supposed Great-Britain to hold in India. The extracts from the minutes of evidence apply chiefly to the same point. If the gentlemen who have given the evidence *have not perjured themselves*, I think I may say, that I have succeeded in proving the truth of my proposition, which is, that the first and great cause of the delay in the trial of Mr. Hastings originated with the *last House of Commons*, which, instead of preferring charges, *short, specific, and pointed*, did really vote all the trans-  
 H actions

actions to be criminal, which had occurred in a great empire in the course of thirteen years.

I have avoided as much as possible touching upon the points on which the *Impeachment now depends*, for *they are very few*. In common criminal cases, any allusion to the conduct of a trial while it is pending, would be in the highest degree improper ; but *common rules* do not apply *to this case*. A trial that has lasted *seven years*, and which after all involves but one question, though an important one, namely, Whether the Government of Great-Britain has been a *curse* or a  *blessing* to the people, *must necessarily* interest every Englishman. The *indictment*, contrary to universal practice, was publicly printed, sold, and commented upon, a few days after it was presented. The proceedings of each day in Westminster-Hall were printed in every newspaper of the succeeding day ; and indeed as the trial is, in other words, the history of a nation, it is impossible, in the nature of things, that the incidents which have occurred in the course of it should not be generally interesting and publicly stated.

In

In one column I have printed the extracts from the speeches, and in the opposite column the extracts from the minutes of evidence, as given to the House of Lords in Westminster-Hall.

Mr. BURKE, in 1788.

MY LORDS,

“ The Gentlemen who  
“ have it in command to  
“ support the Impeach-  
“ ment against Mr. Hastings, late Governor-  
“ General of Bengal,

“ have directed me to  
“ open a general view of  
“ the grounds upon which  
“ the Commons have pro-  
“ ceeded in their charges  
“ against him, to open a  
“ general view of the ex-  
“ tent, the magnitude, the

nature,

MINUTES OF EVIDENCE.

Page 319.

Prosecution, 1788.

JOHN BENN, Esq.

Q. In what situation, in point of cultivation and population, was Benares, when you saw it last, and what part of the district of Benares have you seen?

A. I have seen nearly the whole district.

Q. When did you see it last?

A. I left Benares in the year 1786; I believe in February in that year.

Q. What was the condition of Benares when you saw it last, in point of cultivation and population?

A. It was both well cultivated and well peopled, the parts I saw.

Q. Did



“ *nature, the tendency, and*  
 “ *effect of the crimes with*  
 “ *which they have charg-*  
 “ *him.*

“ *What the greatest in-*  
 “ *terests of the nation has*  
 “ *begun, its highest tribunal*  
 “ *will accomplish. Justice*  
 “ *will be done to India.*

“ *It is not solely, whe-*  
 “ *ther the prisoner at the*  
 “ *bar be found innocent or*  
 “ *guilty, but whether mil-*  
 “ *lions of mankind should*  
 “ *be miserable or happy.*

“ *My Lords It is not*  
 “ *only the subjects of this*  
 “ *great empire who are*  
 “ *concerned, but the credit*  
 “ *and honour of the British*  
 “ *nation*

Q. Did you see Bena-  
 res in 1783, and in what  
 condition of *population* or  
*cultivation* was it then?

A. In 1783, I travel-  
 led from Benares to Bux-  
 ar, on one side of the ri-  
 ver, and we travelled the  
 same distance on the other  
 side of the river. I al-  
 so travelled through the  
 district of Benares, to  
 Chaundpore, which was  
 rather a circuitous way  
 over that district, and I  
 found it both *populous*,  
 and *well cultivated*.

Q. Do you know any  
 thing of it, in the years  
 1784, and 1785?

A. I resided in the pro-  
 vince of Benares, in the  
 years 1784, and 1785, and  
 the description that I have  
 given, appears to be as  
 applicable to *those years*,  
 as the others.

Lieu. Col. GARDENER.

Page 354.

Q. As the witness has  
 been asked, respecting the  
 character of different per-  
 sons. I wish to put the  
 same

" *nation will itself be decid-*  
 " *ed by this decision.*

" We know that as we  
 " are to be served by men,  
 " that the persons who  
 " serve us *must* be tried as  
 " men, and there is a very  
 " large allowance indeed  
 " due to human infirmi-  
 " ty and human error.  
 " This we know, *and have*  
 " *weighed before we came*  
 " *to your Lordship's bar.*  
 " But ~~the~~ crimes *we charge*  
 " are not the *causes* and ef-  
 " *fects* of common human  
 " *frailty*, such as we know  
 " and feel, and *can allow*  
 " *for* ; but they are *crimes*  
 " which have their rise in  
 " *the wicked dispositions of*  
 " *men*—They are crimes  
 " which have their rise in

" *avarice,*

same question to him, re-  
 specting the character of  
 Mr. Hastings, as to tem-  
 per and disposition ?

A. I believe there is  
 not a more amiable pri-  
 vate character in any coun-  
 try, than Mr. Hastings.

Lieu. Col. James BROWNE.

Page 429.

Q. The witness having  
 spoken of an opinion en-  
 tertained at Delhi, upon  
 some transactions he has  
 stated, I wish him to be  
 asked in what estimation  
 at Delhi, and other parts  
 of India where the wit-  
 ness has been, the charac-  
 ter of Mr. Hastings was  
 held ?

A. Mr. Hastings was  
 considered as a man of  
 considerable abilities, as  
 a man that had held a  
 high office for a length  
 of time, and was respected  
 in the exercise of it ; but  
 doubtless men spake more  
 or less favourably of him,  
 according as they have  
 been served more or less  
 by him ; he was not uni-  
 versally spoken of in the

same

“ *avarice, rapacity, pride,*  
 “ *cruelty, ferocity, maligni-*  
 “ *ty of temper, baughtiness,*  
 “ *insolence,—in short, eve-*  
 “ *ry thing that manifests*  
 “ *a heart blackened to the*  
 “ *very blackest—a heart*  
 “ *dyed deep in blackness—*  
 “ *a heart gangrened to the*  
 “ *very core.*

“ We have not chosen  
 “ to bring before you a  
 “ poor trembling delinquent.

“ We have brought be-  
 “ fore you *the Head, the*  
 “ *Chief, a Captain General*  
 “ *of iniquity—One in*  
 “ *whom all the fraud, all*  
 “ *the tyranny of India are*  
 “ *embodied, disciplined, and*  
 “ *arrayed.*

same manner, but generally in the terms I have mentioned.

Captain EDWARDS.

Page 781.

Q. What was the general state of Bengal, Bahar, and Orissa, when you left India in 1783?

A. It was in a very flourishing state.

Q. Did the natives appear to be happy or otherwise?

A. They always appeared to be very happy.

Colonel AHMUTY.

Page 786.

Q. Whether from your knowledge of Mr. Hastings, and of the reputation that he had in the country, you think he would have countenanced oppression, in any body whatsoever?

A. No, I do not imagine he would.

Major GILPIN.

Page 889.

Q. Whether, at that period of time, the per-

“ You

sonal



“ You have now a  
“ *boundless object*—it is not  
“ *from this county, or that*  
“ *parish, but whole climes,*  
“ *and differing nations.*

“ Knowing your Lord-  
“ ships to be possessed  
“ along with all other ju-  
“ dicial virtues with that  
“ of *patience*, I hope, and  
“ trust, you will not  
“ grudge *a few short hours*  
“ to the explanation of  
“ *that*, which has cost the  
“ *Commons* near *fourteen*  
“ *years* of assiduous ap-  
“ plication—that you will  
“ not refuse *a few hours*  
“ to what has cost the *peo-*  
“ *ple of India* upwards of  
“ *thirty years* of their in-  
“ *nate inveterate patience*  
“ *to endure.*

sonal safety of Mr. Haf-  
tings was not considered  
of great consequence to  
the protection of the Bri-  
tish Government in In-  
dia?

A. It undoubtedly was  
so much so, that when  
Major Lumsdaine came  
up to the head of my re-  
giment, on a march to  
Illihabad, and related the  
circumstance of several  
detachments being cut  
off.—

Q. What happened  
when Major Lumsdaine  
came to the head of your  
regiment?

A. He said an express  
had arrived with Colonel  
Morgan, informing him  
several detachments had  
been cut off. My reply  
was, “ If Mr. Hastings  
is safe at Chunar, rest as-  
sured, he will extricate  
us out of our difficulties ;  
but, on the other hand,  
if he is cut off, we shall  
very soon act the last tra-  
gic scene, and neither you  
nor I shall live to tell the  
story.” Those were my  
sentiments of Mr. Haf-

“ The

tings

" The first of his acts  
 " was the most bold and  
 " extraordinary that I be-  
 " lieve entered into the  
 " head of any man, *I will*  
 " say, of any tyrant, which  
 " was nothing less than a  
 " general exceptionless con-  
 " fiscation of the property of  
 " Bengal. He put it up  
 " to a pretended public,  
 " but in reality to a pri-  
 " vate corrupt auction \*.

" I shall say nothing  
 " either of the circum-  
 " stances of the purchase,  
 " or of the right of the  
 " people to their proper-  
 " ty, or the nature and  
 " mode of detection, un-  
 " til that great question, the  
 greatest

tings at that critical pe-  
 riod. Major Lumsdaine is  
 now in England.

Q. In what estimation  
 was Mr. Hastings's cha-  
 racter in India, during  
 the time you resided  
 there ?

A. He was esteemed a  
 man of very great abili-  
 ties, and a man of very  
 great humanity.

N. B. The Benares and  
 Begum articles, finished  
 on the part of the prose-  
 cution in 1788.

*Prosecution 1789.*

This entire year was  
 spent in disputes, on the  
 admission of evidence re-  
 lative to transactions,  
 which were stated to have  
 happened in the year  
 1772. There were *thir-*  
*teen* decisions of the court  
 in this year. In *eleven*  
 they determined, that the  
 questions proposed by the  
 Managers *could not be put*.  
 In two, the Court deter-  
 mined, that they ought  
 to be put.

Prosecution

\* This act, though an article of the impeachment *was abandoned*.  
 Mr. Pitt opposed its being voted *criminal*, in the first instance.

" *greatest of all* which we  
 " shall bring, shall be  
 " brought before your  
 " Lordships *particularly as*  
 " *an article of charge.*

" And here I come to  
 " the beginning of a great,  
 " notorious system of go-  
 " vernment, which con-  
 " sists of many abuses,  
 " branched out into such  
 " a variety of ways, *and*  
 " *has so much affected the*  
 " *kingdom, that I may ven-*  
 " *ture to say it will make*  
 " *one of the greatest and*  
 " *most weighty part of the*  
 " *charges.\**

" I charge him with  
 " having taken away the  
 " lands of orphans, with  
 " having

\* This charge

*Prosecution 1790.*

MINUTES OF EVIDENCE,

*Page 1234.*

David ANDERSON, Esq.

Q. In what estimation  
 was the character and con-  
 duct of Mr. Hastings  
 held by the natives of  
 Bengal?

A. I believe I may  
 safely answer that ques-  
 tion; that except by a  
 very few men indeed, the  
 adherents of former par-  
 ties, who had been dis-  
 appointed in their expec-  
 tations, I believe his cha-  
 racter was held in very  
 high estimation.

Q. Upon the subject of  
 humanity and disinterest-  
 edness, was he esteemed  
 a humane and disinterest-  
 ed man?

A. I think he certainly  
 was esteemed in that way.

Q. Do you speak of  
 the estimation Mr. Haf-  
 tings was held in, not  
 only by the immediate  
 subjects of his own Go-  
 vernment, but with the  
 Princes and powers in In-  
 dia, with whom you had  
 occasion to negotiate?

I

A. I never



“ having alienated *the for-*  
 “ *tunes of widows—with*  
 “ *having wasted the country*  
 “ *and destroyed the inhabi-*  
 “ *tants, after cruelly har-*  
 “ *assing and distressing*  
 “ *them. I charge him with*  
 “ *having tortured their per-*  
 “ *sons, and dishonoured their*  
 “ *religion, thro’ his wicked*  
 “ *agents, who were at the*  
 “ *bottom and root of his*  
 “ *villainy.\**

“ I Charge him in the  
 “ *name of the Commons of*  
 “ *England.*

“ Now, my Lords,  
 “ what is it we want?  
 “ We want to have, the  
 “ *cause of oppressed Prin-*  
 “ *ces—of undone women of*  
 “ *the first rank redressed*

“—of

A. I never heard him  
 spoken of, but in the  
 highest terms, in the  
 courts where I resided.

Sir John SHORE,  
 Governor-General of Bengal,  
 Page 1284.

Q. Whether you are  
 well acquainted with the  
 general state of India, and  
 in particular, with that  
 part of it, which is sub-  
 ject to the Government  
 of the East-India Com-  
 pany?

A. I believe I am.

Q. Has not property  
 been *more secure*, and in-  
 dividuals been *less oppress-*  
 ed under the British Go-  
 vernment, than under that  
 of the Nabobs?

A. I have not a doubt  
 of it.

Q. Are not the natives  
 in general more happy?

A. I believe they are.

Q. Since the year 1770,  
 to the time you left In-  
 dia, had not the agricul-  
 ture, population, and ge-  
 neral prosperity of the  
 country been increased?

A. I have recorded

the

\* This charge was abandoned by the Managers.

“—of desolated provinces

“and wasted kingdoms.—

“Do you want a criminal,

“my Lords? When was

“there so much iniquity

“charged against any

“one?—No, my Lords,

“you must not look to

“India to furnish one, for

“Mr. Hastings has not

“left in India substance

“enough to furnish such

“another delinquent.

“I impeach Warren

“Hastings in the name

“of the people of India,

“whose laws, rights, and

“liberties he has subverted.

“—I impeach him in the

“name of the people of

“India, whose country he

“has destroyed.—I im-

“peach him in the name

“of

that as my opinion, and I  
still adhere to it.

Q. When you were  
last in India, and a mem-  
ber of the Supreme Coun-  
cil, were the charges a-  
gainst Mr. Hastings in  
circulation there?

A. A great many co-  
pies of them were brought  
out.

Q. Was it generally  
known amongst the na-  
tives, that he was ac-  
cused?

A. Certainly, by those  
who had access to the  
Europeans in Calcutta,  
and in other parts of In-  
dia.

Q. Were any com-  
plaints made of the con-  
duct of Mr. Hastings to  
the Supreme Council?

A. None that I heard  
of.

Q. Was the character  
of Mr. Hastings amongst  
the natives, that of a mer-  
cenary, a corrupt, or a  
cruel man?

A. I believe the na-  
tives of India entertained  
a very favourable opinion  
of Mr. Hastings; I ne-

" of human nature, which  
 " he has cruelly injured and  
 " oppressed in both sexes.

Mr. Fox, in 1788.

" I know not whether  
 " his miserable tyranny, his  
 " violence, his insolence, his  
 " rapacity, and his cruelty,  
 " is more to be detested  
 " and execrated, or his  
 " fraud to be despised.

" This man at your  
 " bar, drunk with the  
 " idea of arbitrary power,  
 " intoxicated and cor-  
 " rupted with that most danger-  
 " ous of all corruptions,  
 " having power for which  
 " he thought he had no  
 " responsibility.

ver had any particular op-  
 portunity, nor ever made  
 any particular enquiry in  
 the terms of the question,  
 but in general, I have rea-  
 son to believe, the na-  
 tives thought very favour-  
 ably of him.

Q. Was that the way  
 the natives thought of  
 him, after those charges  
 had been sent out to In-  
 dia ?

A. It was.

Q. Whether the charges  
 against Mr. Hastings were  
 translated into the Hin-  
 doo language, or into  
 any other language in In-  
 dia ?

A. I do not believe  
 they were translated ei-  
 ther into the Hindoo lan-  
 guage, or any other lan-  
 guage of India.

N. B. In this year, the  
 evidence on the presents  
 was closed.

*Prosecution 1791.*

The contracts finished,  
 and the prosecution to-  
 tally closed. All the  
 other charges being aban-  
 doned.

" He

DE.



" He was guilty of  
" grinding oppression, ty-  
" ranny, and injustice.

" Be it your glory, my  
" Lords, to do that *which*  
" *will utterly wipe out the*  
" *stain on the British cha-*  
" *rafter* : let us not hide  
" our heads with shame ;  
" but let it be known,  
" while we have India in  
" possession, that we go-  
" vern that country on  
" the principles of equity  
" and justice ; that if there  
" have been crimes com-  
" mitted *which shock the*  
" *British name, know all*  
" *the world, that they are*  
" *the crimes of Warren*  
" *Hastings* ; and know all  
" the world, that by  
" proving them on him,  
" we

# DEFENCE.

1792.

Major OSBORNE.

Page 1669.

Q. Have you had an opportunity of seeing other countries in India, in point of agriculture, police, and pupulation, as compared with those under the authority of the Company ?

A. Yes.—What is the time you allude to ?

Q. During the period of Mr. Hastings's government.

A. It would be difficult for me to point out *where there was any police in any country with an exception of the Company's dominions, any thing fit to be called a police.*

Q. Were these objects well attended to by those who had the immediate management of the country, under the administration of Mr. Hastings ?

A. With an exception of parts of the Bahar province, particularly the parts of Boogepore, jus-

tice

“ we have *exculpated the*  
 “ *British nation* from the  
 “ *blackest stain* that could  
 “ be fixed upon it.”

MR. GREY.

“ A man whose foot-  
 “ steps had ever been  
 “ marked with *cruelty*, for  
 “ he never left Calcutta  
 “ but his progress termi-  
 “ nated in the *devastation*  
 “ of a province, the destruc-  
 “ tion of a people, or the  
 “ expulsion of a Prince from  
 “ his dominions.

“ The mirror of every  
 “ vice, the mirror of every  
 “ wickedness.

“ The mirror of pride,  
 “ avarice, implacability, and  
 “ falsehood.

“ His

rice appeared to me to be  
 duly administered; and  
 the country seemed to me  
 to be in very flourishing  
 state, and was considerably  
 improved; with an ex-  
 ception to those parts con-  
 siderably improved at the  
 time alluded to.

Q. Were they gene-  
 rally well administered?

A. At the time alluded  
 to, during Mr. Hastings's  
 government, I certainly  
 do think they were in  
 every part of Company's  
 dominion, with that ex-  
 ception.

Q. Whether you ob-  
 served any considerable  
 improvement in those re-  
 spects during the govern-  
 ment of Mr. Hastings,  
 compared with the situa-  
 tion in which these coun-  
 tries had been, prior to  
 his government?

A. In every part of the  
 Company's dominion that  
 I had an opportunity of  
 seeing before Mr. Haf-  
 tings's government, and  
 during the time of his  
 government, (with ex-  
 ception of parts of the

Bahar

“ His eye red with indignation—the ministers of vengeance waiting on his nod.

“ Guilty of every crime that can disgrace and blacken human nature.

“ The accursed destroyer of persons, places, and provinces.

“ He it was who, instead of governing, distributed oppression, war, famine, and misery.”

MR. ADAM.

“ His wickedness, perfidy, violence, want of faith, humanity, and charity.

Bahar province, and particularly that part I have already mentioned) certainly the country *was* considerably improved under the government of Mr. Hastings.

Q. In what estimation was Mr. Hastings held by the natives of the country during all the time you resided there?

A. I believe the people in general thought very favourably of Mr. Hastings, both in his public and private character; and I recollect perfectly well to have heard Rajah Cheyt Sing, and his Dewan Oufan Sing, (early in 1773, which was before the Zemindary was ceded to the English Company) speak of him as a man, in their opinion, of great, uncommon abilities, and well calculated for the government of India; and I have heard many of the natives of India speak of Mr. Hastings to the same effect.

Q. Was that the general estimation in which

“ In

Mr.



“ In a progress of vice,  
 “ from a *bare simple lie*, to  
 “ the *foulest murder*.”

MR. PELHAM.

“ It will be proved by  
 “ *incontrovertible facts*, that  
 “ Mr. Hastings was not  
 “ only *the greatest oppress-*  
 “ *for*, that he was not only  
 “ *the greatest tyrant*, that  
 “ ever appeared on the  
 “ Indian Coast, but also  
 “ *the greatest peculator*; that  
 “ he was *the most corrupt*,  
 “ that he was *the most*  
 “ *cruel*, that he never stir-  
 “ red from Calcutta, ne-  
 “ ver undertook any great  
 “ *political plan* but with a  
 “ view of *increasing his*  
 “ *own iniquities*, by filling  
 “ *the treasury of the Com-*

Mr. Hastings was held during the whole period of his government?

A. I believe Mr. Hastings was held in high estimation by the generality of the people, the natives of the country.

Q. It has been stated that he was guilty of a series of acts of injustice, inhumanity, oppression, violence, and bloodshed—Whether during the time you resided in India any thing came to your knowledge which made you think Mr. Hastings was unjust, inhuman, oppressive, violent, or sanguinary?

A. *Directly the contrary*.  
 WM. MARKHAM, Esq.  
 Page 1692.

Q. What was the state of the police in the city of Benares?

A. Criminal justice there was none; there was a cutwall, and a cutwally; but if a robbery or murder was committed, the offender immediately escaped into the adjacent country; and he

“ pany,

was

"pany, or with a view of was there protected by  
"filling his own pocket." the Aumil, and ultimate-  
ly by Cheyt Sing; for he  
would not give him up.

MR. SHERIDAN.

"A degree of depra- With respect to civil mat-  
"vity that never yet was ters the Aumil was hardly  
"exceeded in the foulest allowed to interfere; but  
"heart, that ever existed they were generally car-  
"in the bosom of man. ried over to Ramnagur,  
where either Buxey Sa-  
danund, or one of the  
Rajah's intimate friends,  
determined upon the  
case; and I believe there  
was generally a certain  
proportion taken; I be-  
lieve a quarter of the  
money awarded.

"Horrid, deliberate, cold  
"cruelty, cool and callous  
"severity, temperate ma-  
"lignity, rapacious fury,  
"and oppression.

"With cold, deliberate,  
"sober wrath, and tran-  
"quil malignity, guiding  
"the fell arrow, and point-  
"ing to its object.

"Such is the monstrous  
"nature of the guilt we  
"arraign.

Page 1706.

Q. You have spoken  
of the state of the police  
of Benares antecedent to the  
new settlement. Whether  
any steps were taken to  
put the police upon a better  
footing after the new set-  
tlement, or upon the new  
settlement?

A. Mr. Hastings ap-  
pointed new Courts of  
Justice, and Ally Ibrahim  
Cawn was to superintend  
each of them.

Q. What was his cha-  
racter and conduct?

"This

K

A. I be-

" This distinguishes  
 " him and *his transactions*  
 " from the *worst cruelties*,  
 " from the *greatest enormi-*  
 " *ties*, in the characters of  
 " *those born to tyranny*.

" *Indian Pagod*, formed  
 " in some *blosted or unhal-*  
 " *lowed grove*, formed by  
 " the hand of *crafty* and  
 " *knavish tyranny*, to *awe*  
 " and *dupe* the heart of  
 " *slavish ignorance*."

MR. BURKE, in 1789.

" Eminent for the *pil-*  
 " *lage and destruction* of  
 " *provinces*.

" Crimes of great *enor-*  
 " *mity*, the ruin and ex-  
 " *pulsion* of *illustrious fa-*  
 " *milies*, the total ruin of  
 " *villages*,

A. I believe Ally Ibra-  
 him Cawn to have been  
 as worthy and as good a  
 man as could have pre-  
 sided over a Court of  
 Justice in any country.

Q. What was the state  
 of the police of Benares  
 after that establishment  
 had taken place?

A. I never knew a bet-  
 ter regulated police in  
 any town than there was  
 in that of Benares.

Q. Were the inhabi-  
 tants of Benares satisfied  
 with him, and his admi-  
 nistration of justice, civil  
 and criminal?

A. I believe most per-  
 fectly so.

Page 1768.

Q. You stated that you  
 was confidentially ac-  
 quainted with Mr. Haf-  
 tings's sentiments towards  
 Cheyt Sing before he went  
 up to Benares, and at  
 Benares;—whether you  
 ever discovered any the  
 least symptoms of a dis-  
 position towards Cheyt  
 Sing on the part of Mr.  
 Hattings unfriendly or  
 malicious, or any private  
 motive



"villages, the total ex-  
"pulsion of the first houses  
"in Asia.

"A man who, in his  
"own person, has done  
"more mischief than all  
"those persons whose  
"evil practices had pro-  
"duced all those laws,  
"those regulations, and  
"even his own appoint-  
"ment.

"A corrupt shocking  
"arrangement was made,  
"and Bengal saw a dan-  
"cing-girl administer its  
"laws.

"He has murdered that  
"man, by the hands of  
"Sir Elijah Impey.

motive whatever opera-  
ting upon the mind of  
Mr. Hastings towards  
him throughout?

A. I do not think it  
possible, from what I have  
known of Mr. Hastings,  
that he was capable of  
any thing malicious, or  
any thing self-interested.  
I have known him in  
public, and in private  
life; I found him always  
most zealous wherever  
the public was concern-  
ed; perfectly careless of  
his own interests; I be-  
lieve him to be the most  
virtuous man of the age  
he lives in.

Lieut. DAVID BIRRELL.

Page 1775.

Q. Did you continue  
in Benares after peace was  
restored?

A. I was several years  
belonging to the station  
of Chunar, in the Ze-  
mindary of Benares, after  
matters were settled.

Q. Were the inhabi-  
tants generally satisfied or  
dissatisfied with the ge-  
neral changes that had  
taken place.

"He K 2

A. I be-

" He gorged his ra-  
 " venous maw with an al-  
 " lowance of 200l. a day.  
 " He is not satisfied with-  
 " out sucking the blood of  
 " 1400 nobles. He is ne-  
 " ver corrupt, without he  
 " is cruel. He never dines  
 " without creating a famine.  
 " He feeds on the indi-  
 " gent, the decaying, and  
 " the ruined, and them he  
 " depresses together ; not  
 " like the generous eagle  
 " who preys on a living,  
 " reluctant, equal prey :—  
 " No ; he is like the ra-  
 " venous vulture who feeds  
 " on the dead, and the en-  
 " feebled who destroys,  
 " and incapacitates nature  
 " in the destruction of its  
 " object, while devouring  
 " the carcases of the dead,  
 " and

A. I believe they were very well satisfied as far as I had any opportunity of knowing.

Q. While you continued in India, had information arrived there of Mr. Hastings's being accused in this country for his conduct at India ?

A. It had.

Q. Before, and since that time, in what estimation was Mr. Hastings held by the natives of that country ?

A. Mr. Hastings, amongst the natives of that country, had arrived at a degree of pre-eminence which I believe no European had ever done before him.

Q. Was he a man, among the natives of India, generally loved or hated ?

A. I have ever understood they looked up to him, in terms of respect, and love.

Colonel BLAIR.

Page 1778.

Q. How long altogether was you in India ?

A. B

" and then prides him-  
 " self in his ignominious  
 " security, and his *cruelty*  
 " is beyond his *corruption*;  
 " at the same time, there  
 " is in his *hypocrisy* some-  
 " thing more *terrible* than  
 " his *cruelty*. For at the  
 " same time that he exer-  
 " cises a *proscription* that  
 " sweeps off the bread of  
 " *thousands of the nobility*,  
 " he turns the precious  
 " balm that flows from  
 " wounded humanity, in-  
 " to *deadly, rancorous, and*  
 " *mortal poison to the hu-*  
 " *man race.*

" Mr. Hastings feasts  
 " in the dark alone; *like*  
 " *a wild beast he groans in*  
 " *a corner, over the dead*  
 " *and dying*; and like the

tyger

A. Between 25 and 26 years.

Q. From what time to what time?

A. I went first out to India in 1754, I staid till 1757, and then returned to England. I went back to India again in the year 1768, and returned to England in the year 1788.

Q. During the whole of your residence in India in what estimation was the character and government of Mr. Hastings in India?

A. I have always heard Mr. Hastings spoken of as a man of a benevolent, and humane disposition; as a wise and able servant of the public. Mr Hastings's conduct in public and private life, as far as I have known and understood, affords the strongest proofs of his talents to govern that country; and of his being a worthy and benevolent character, a worthy, and honourable character.

CHARLES



“ tyger of that country, CHARLES GRÆME, Esq.  
 “ he wishes to withdraw *Page 1786.*  
 “ it to a cavern, to in- Q. In what estimation  
 “ dulse with unobserved did Mr. Hastings stand  
 “ enjoyment, in all the with the native inhabi-  
 “ wanton caprices of his tants of India, as well  
 “ appetite. before the rebellion at Be-  
 nares as after, and up to  
 the time of your depar-  
 ture for England ?

“ He comes a *heavy*  
 “ *calamity* to the nation,  
 “ as we say a country is  
 “ visited by *famine* and  
 “ *pestilence*.

“ His *crimes* are so mul-  
 “ *tiplied*, that all the con-  
 “ trivances of ingenuity  
 “ to cover them are *abor-*  
 “ *tive*.

“ If the language had  
 “ furnished me, under  
 “ the impression of those  
 “ feelings, a word suffi-  
 cient

A. No man could  
 stand higher in their  
 opinion than he did, and  
 in the opinion of every one  
 with whom I have had an  
 opportunity of conversing,  
 and of knowing their sen-  
 timents respecting him ;  
 his regulations, as far as  
 I know of them, tended  
 to promote the happiness  
 of the people ; and I  
 think he was eminently  
 distinguished for his hu-  
 manity, and benevolence.

JOSEPH WADE, Esq.

*Page 1790.*

Q. How long did you  
 remain in the Zemindary  
 of Benares after the re-  
 bellion was quelled ?

A. Near three years.

Q. Did you during  
 that period traverse it in  
 different directions ?

A. I

“cient to convey the  
 “complicated atrocity of  
 “that act, as it stood in  
 “my mind, I should cer-  
 “tainly not have used  
 “the word *murder*\*, but  
 “having no other, I was  
 “obliged to use that  
 “word.”

MR. BURKE in 1791.

“One cannot conceive  
 “*crime* that defames  
 “*human nature*, of which  
 “this man is not charged  
 “in the articles of im-  
 “peachment, that are  
 “given before your lord-  
 “ships\*,— and with re-  
 “spect

A. I did.

Q. Did it appear to have suffered from the changes made in the administration of it?

A. Not in the least.—Some parts of it were even *improved*.

Q. Were the natives in general satisfied with the government as established subsequent to the expulsion of Cheyt Sing?

A. They certainly were very much so, excepting in the parts that had suffered under Durbedjey Sing.

Q. What was the state of the police before the insurrection at Benares?

A. The state of the police before the insurrection at Benares, I can only speak to from hear-say—extremely bad.

Q. From knowledge can you state what was

the

\* The last House voted, that Mr. Burke had used expressions, which *ought not to have been* used. He here alludes to that reprimand.

† It is impossible for any candid man to read this passage in Mr. Burke's Speech, without expressing his most sincere concern, that an impeachment should have been voted *in the manner* that this was.

"spect to the Commons  
 "of Great Britain, when  
 "human nature is stirred  
 "*with rage* against his  
 "crimes;—when it is the  
 "*sympathy* which God has  
 "planted in us, and *hor-*  
 "*ror* of those crimes,  
 "that has called the  
 "Commons to your lord-  
 "ship's bar. When they  
 "hear of *murders*—when  
 "they hear of *women torn*  
 "*from their houses*,—when  
 "they hear of *the most*  
 "*cruel*

the condition of the police after the expulsion of Cheyt Sing?

A. A much better regulated police, at least in its effects, than that of London.

Q. When did you quit India?

A. I left Bengal in the month of January 1787.

Q. During all the time you resided there, in what estimation was the character of Mr. Hastings held, both by natives and Europeans, in every part of India, where you had an opportunity of becoming acquainted with it?

A. Mr. Hastings bore the

It is *perfectly true*, that every crime that can disgrace or degrade human nature, is *charged*. But how did the articles pass; *in a lump* and by a general vote!!! I again affirm, that Mr. Pitt *justified* all that Mr. Hastings did at *Benares*, and merely confined his vote of condemnation to the *amount of the fine proposed* to be levied. That in the Begum article, he rejected all the allegations, except that relative to the confiscation of the treasures. That he *negatived* two of the four allegations in the contract charge. That the *separate* allegations in the charge, called presents, never were considered. On these *four articles*, the trial is closed; all the others are *abandoned, dead and buried*.



“ *cruel racks and tortures,*  
 “ *that can be inflicted, and*  
 “ *all this from the avarice*  
 “ *of the man who is at your*  
 “ *Lordship’s bar.*

“ Every drop of blood  
 “ that was spilt in conse-  
 “ quence of his acts, *was*  
 “ *murder.* We charge  
 “ him *with robberies*—we  
 “ charge him *with tor-*  
 “ *tures*—we charge him  
 “ *with cruelty.*

“ The *unfortunate peo-*  
 “ *ple of England, for four-*  
 “ *teen years have suffered*  
 “ *these things.* It is *they*  
 “ that have had *pati-*  
 “ *ence.*”

“ The Commons wish  
 “ at this moment to close  
 “ the

the highest public and private character amongst the natives, and Europeans. They always spoke in high terms of his disinterestedness, humanity, and attention to their laws and customs, civil and religious.

*Lieut. GREY.*

*Page 1798.*

Q. During the time you was in India, as far as you had an opportunity of collecting the sense of the natives, in what estimation was the character of Mr. Hastings held by them.

A. In the highest estimation by the natives, whose manners and customs he was most particularly observant of; and to conciliate the natives, it is indispensably necessary to attend to their prepossessions, arising either from cast, or prejudice.

Q. You having spoken of the natives;—in what estimation was Mr. Hastings held by the army in

L . . . general-

“ the charge, and to pro-  
 “ ceed *no further* in any  
 “ of the articles now be-  
 “ fore you, than those on  
 “ which they have alrea-  
 “ dy delivered their evi-  
 “ dence. My Lords, *the*  
 “ *Commons* rejoice at the  
 “ approach of aday, by  
 “ them *so long wished*, a  
 “ day which is to vindi-  
 “ cate and give glory, or  
 “ to obscure *for ever*, the  
 “ justice of this king-  
 “ dom. The Commons  
 “ have approached it with  
 “ a manly confidence, but  
 “ at the same time, with  
 “ an anxious solicitude  
 “ for the greatest stake  
 “ any nation ever did, or  
 “ could have, namely,  
 “ whether its highest bo-  
 “ dies on judicial pro-  
 “ ceed-

general, with whom you served?

A. By the army in general he was most particularly esteemed, as the addressee, superscribed by a most numerous body of officers, evinced, at the period when Mr. Hastings was quitting his government.

Q. Whether you are at this time an officer in the King's service, or in the service of the Company?

A. In his Majesty's service.

Colonel POPHAM.

Page 1802 and 4.

Q. Did any fact fall under your observation, proceeding from Mr. Hastings, that indicated malice towards Cheyt Sing?

A. Not in the least; the very reverse.

Q. During your residence in India, had you any means of knowing in what estimation Mr. Hastings was with the natives of that country, with the army, and with the British subjects resident there?

A. I

"ceedings; whether its  
 "highest tribunals shall  
 "vindicate that justice,  
 "without which no Go-  
 "vernment can stand;  
 "whether they shall vin-  
 "dicate the dispensations  
 "of providence, that has  
 "committed so great an  
 "empire in so distant a  
 "country to Great Bri-  
 "tain; whether this coun-  
 "try has energy and abi-  
 "lity *to protect them*; whe-  
 "ther we should retain a  
 "country so remote and  
 "and distant, notwith-  
 "standing all the difficul-  
 "ties that nature has  
 "thrown in our way.  
 "My Lords, I venture  
 "to say, *this day*, is a day  
 "most justly desired by  
 "the

A. I believe he was  
 held in the first esteem  
 by the natives of the  
 country, as a man of high  
 honour and benevolence;  
 and by the army in ge-  
 neral, as an excessive  
 good servant to the Com-  
 pany and the nation.—  
 A man whom I myself  
 would wish to serve un-  
 der, or with, in prefer-  
 ence to any of my ac-  
 quaintance, in so high a  
 character and station, as  
 he has been.

Captain SIMES.

Q. You said when you  
 last went to India, it was  
 subsequent to the com-  
 mencement of this trial.  
 Were the charges against  
 Mr. Hastings generally  
 known in India, when  
 you went there last?

A. They were.

Q. Was it known that  
 he was then under trial?

A. It was.

Q. In what estimation  
 was the character of Mr.  
 Hastings during the whole  
 period of your being in  
 India?

A. I believe with fewer  
 excep



“the House of Com-  
“mons.

“When he (Mr. Haf-  
“tings) complains of the  
“*hard language* that has  
“been used to him, he  
“complains *idly*.

“*Hard language, let it*  
“*come from whom it will,*  
“*if not supported by hard*  
“*facts, rebounds only to the*  
“*disgrace of the person who*  
“*uses it, and as to the*  
“*prisoner, it turns to*  
“*empty air. All the hard*  
“*words are gone, and if*  
“*any traces of them remain,*  
“*they only remain to blacken*  
“*the persons who have used*  
“*them without sufficient*  
“*evidence to justify them*  
“*in the use of such lan-*  
“*guage.*

exceptions, than falls to  
the lot of most persons in  
a high official capacity.  
Mr. Hastings was respect-  
ed and applauded in his  
public capacity; esteemed  
and beloved in private  
life.

Q. Where there any  
representations made, that  
you know of, against Mr.  
Hastings by any of the  
natives?

A. None that I ever  
heard *against him*. I heard  
in India, that petitions  
had been transmitted by  
the natives of India, on  
behalf of Mr. Hastings.

Q. Do you know in  
what estimation Mr. Haf-  
tings was, with men in  
high rank in India, the  
princes in India?

A. I have already said  
that I have heard Mr.  
Hastings universally well  
spoken of.

Q. Whether what you  
have described of the es-  
timation of the natives  
respecting Mr. Hastings,  
continued to be the same,  
*after their knowledge of the*  
*prosecution as before?*

A. As

A. As far as I had the means of knowing, they certainly did not alter their opinion.

*Defence 1793.*

*Page 1970.*

*Lieu. SHULDHAM.*

Q. Was the impeachment of Mr. Hastings generally known in India?

A. It was.

Q. In what estimation was Mr. Hastings held by the natives, after their knowledge of that fact?

A. I have no personal knowledge of Mr. Hastings. I am not acquainted with him, nor do I speak from any favours I ever received from him, for none have been conferred. I speak from the communication of the natives, and the people of India themselves. As a public character, I do not believe there ever has been, or ever will be, a more able Governor; and as a private character, I do not believe there exists a more benevolent or a better man than Mr. Hastings. This was the uni-

universal opinion, of both Europeans and natives.

Colonel DUFF.

Page 1974

Q. As you have been *thirty years in India*, and been in England *since the commencement of this trial*, and returned to India, you have had opportunities of consulting and collecting the sentiments of the people in India, at different periods. In what estimation is the character of Mr. Hastings in India?

A. Mr. Hastings's character *always* stood very high in India, and *still* continues so, since they *knew* of his being tried; and *they* consider him, as *I do at this moment*, as a *very good, and a very injured man*.

Q. Do you speak of the sentiments of both Europeans and natives?

A. I speak of both Europeans and natives?

Q. Is this testimony you have given of Mr. Hastings, the result of any private obligation to Mr. Hastings?

A. No;



A. No; It is not. I even thought myself hurt by Mr. Hastings's conduct, when in India, but that did not hinder me from joining in a strong letter, with all the rest of my brother officers, acknowledging the sense we had of Mr. Hastings's conduct. *I still continue of the same way of thinking.*

Major LUMSDAINE.

Page 1981.

Q. In what estimation was Mr. Hastings held, both by the natives of the country, and by the European inhabitants, during all the time you resided there, and particularly towards the close of his Government?

A. Mr. Hastings, during the whole period of his administration, was held in the greatest veneration and esteem by the inhabitants of the country, and was generally looked upon, as a very great and good man, and highly respected.

John WOMBWELL, Esq.

Page 1997

Q. Having resided in India

India during twelve years, in what estimation was the character of Mr. Hastings generally held by the natives of the country?

A. I do not believe there was a name in Europe more revered than the name of Mr. Hastings was, by the natives of India.

Q. Do you mean it is impossible for any name in any country to be held in higher estimation than that of Mr. Hastings, *was*, and *is*, in India?

A. *I do.*

*James Peter AURIOL, Esq.*

*Page 2007.*

Q. Having stated the length of time that you was in India; in what estimation during the whole period of your service, was the character and conduct of Mr. Hastings held?

A. I believe no person existing has a more accurate knowledge of India and its inhabitants than Mr. Hastings. I think no man could be more zealously attentive than

than he was, to advance the prosperity of the country ; to secure the welfare and happiness of the people, and at the same time, to promote the interests of his employers, and the parent state. The inhabitants of India, both Europeans and natives; with very few exceptions, revered and loved Mr. Hastings, for his able and good conduct in public life ; and admired and esteemed him for his benevolence and humanity in private life. I believe there never was a character in India, which stood higher with the people there than Mr. Hastings, both for his public and private virtues.

P. S.—To the evidence which has already appeared, I have now the opportunity of adding the substance of the testimony of the Marquis Cornwallis, which was, that Mr. Hastings was generally esteemed and respected by the natives of India,—that the rebellion of the Begum, was a fact commonly reported in India—That

M the



the confiscation of fifty-five lacks of rupees from the treasures in her possession in 1782, had not reduced her to a state of pecuniary distress.—That neither from that measure, nor from the expulsion of Cheyt Sing, had the British name and character *suffered* in the opinion of the Princes of India, as his Lordship ever heard.—That no personal complaint had been made against Mr. Hastings, during his Lordship's administration, though every person under the British Government had the privilege to complain if he chose.—That it was publicly known in India, that Mr. Hastings was on his trial in England.—That the natives of India entertained the same sentiments of respect and esteem for Mr. Hastings when his Lordship quitted India last year, as when he arrived in 1786.—That when the combination was formed against the British power in India in 1779, in the last general war, it was a period of great danger and difficulty, and that Mr. Hastings by successfully resisting that confederacy, and preserving the British Empire *entire*, had performed great and essential services to his country. His Lordship also said,

rha

that he hoped and believed the natives under the British Government enjoyed a greater degree of freedom, security, and happiness, than the natives of any other part of India.—To this evidence his Lordship added, that he had the highest opinion of the honour, integrity, and abilities, of Sir John Shore, the present Governor General of Bengal.\*

I must again repeat, that as the extracts from the speeches and minutes apply to *general subjects*, and as they have all been often published, and the principal parts *many years ago*, I trust it will not be supposed that I have taken an improper liberty, with either House of Parliament, in reprinting them now.

Much as the delays which have occurred in this trial are to be lamented, yet it is impossible to reflect upon the occurrences that have hap-

\* The *decided evidence* of Sir John Shore, as to the improved state of Bengal under the administration of Mr. Hastings, is entered in the preceding pages.

pened in the course of it, without joining most cordially in the eulogium which Lord Mornington lately, and so much to his honour, has pronounced on the British constitution.

Though it be true that this is the seventh year of the trial of Mr. Hastings:—though it be true that every opprobrious epithet which the English Language affords has been applied to him:—though it be true that two doctors of civil law, four barristers, and two solicitors have been employed against him, at an expence that would pay *for ever*, the honourable pensions settled on the posterity of Lord Chatham, and Lord Rodney; yet (for the honour of all parties I say it) Mr. Hastings has had every opportunity to defend himself, that the law of the land allows to an accused individual. He has been permitted to oppose *evidence to assertions*, to address the court by his counsel, and to speak himself, as often as he chose. He has been permitted to do, what no man under an accusation by the Commons ever did before, to declare publicly in Westminster Hall, in the presence



presence of his accusers, and to his judges,  
 “ That the King’s Ministers had voted as mem-  
 “ bers of parliament, to impeach him for form-  
 “ ing arrangements, which had received their  
 “ complete approbation, and which still subsist-  
 “ ed.” He has been permitted to add, “ That  
 “ the King’s Ministers also voted to impeach  
 “ him, for having ruined, oppressed, and de-  
 “ stroyed the natives of Bengal, although the  
 “ falsehood of the charge must be apparent to  
 “ every man, who is not prepared to prove,  
 “ that the Minister of India has annually pre-  
 “ sented false accounts to the House of Com-  
 “ mons.\*”

Mr. Hastings has also been permitted to ad-  
 duce as evidence, the testimonials of the various  
 ranks and descriptions of the natives of India;  
 the addresses presented and transmitted to him  
 by the British inhabitants of Calcutta, and the  
 officers of the army. He has also been allowed  
 to produce as evidence, the thanks of the pro-  
 prietors, and of the directors of the East-In-  
 dia Company, “ for the long, faithful, and

\* Mr. Hastings’s speech in 1791.

“ able

“able services he had rendered to the company.”

In differences between the managers and the counsel, on the admission of evidence, the questions were submitted to the judges of the land ; their opinions have invariably decided the court. Great as the power of the prosecutors is, and ought to be, prosecuting as they do, *in the name of all the Commons of Great Britain*, the parties were equal, in a Court of Justice, and both have yielded to the law of the land.\*

How different have those impeachments been

\* I am sensible that in the course of this trial, Mr. Burke has often contended, that the Commons were not to be talked to as other prosecutors, and that he has quoted passages from the trial of the Earl of Strafford, to shew how grossly that republican bigot Mr. Pym insulted the ancestor of Mr. Burke's patron, the late Marquis of Rockingham ; But the Court, in every instance, in the trial of Mr. Hastings, has afforded him *complete protection*. In the case of Lord Strafford mobs surrounded the Court, and insulted the Lords. At last the noble Earl was condemned, by a bill of attainder, or in the words of many of our historians, he was *murdered* under the form of law, to satiate the vengeance of that republican faction, which afterwards brought the King to the scaffold.

conducted

conducted, which were voted by the ruffian convention of France? How admirably has Lord Mornington exposed “ *the fury of their prosecutors, the sanguinary spirit of their judges, their open violation of all the rules and principles of evidence which have been devised for the protection of innocence, by the wisdom, justice, and humanity of civilized nations ?*”

Can any man read the trials of the unfortunate monarch of France, or of his lamented queen, of the deputies, or the general officers, who have been executed, without glorying that he is an Englishman? In France, *accusation and condemnation*, where the Government as it is called, prosecutes, are one and the same thing. In England, where the House of Commons has prosecuted for seven years, in the name of all the people, it is not even insinuated, that the known and fixed rules for trials in criminal cases, has been departed from.

The only complaint in the case of Mr. Hastings is the insufferable length of the trial.—

That



That delays have occurred from the great length of the managers speeches, and from their putting over and over again the same questions to witnesses, from the late hour at which the two houses were assembled, and from the few days given in each week by the Lords, has been often asserted. But the first, the great, and most important cause of the delay, I hold to be owing to the late House of Commons, who from accident, and not design, I am sure, adopted a mode of voting the articles, which made them so very voluminous, that much time was absolutely necessary for going through, even a small part of them.

If in the life of any man now living, another impeachment should be voted, I am sure the House of Commons, profiting by experience, will come to a *specific vote*, upon every *criminal accusation* that they should send to the House of Lords.

